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National report submitted in accordance with paragraph 5 of the annex to resolution 16/21 of the Human Rights Council*

Congo

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I. Methodology and consultation

1. The promotion and protection of human rights in the Republic of the Congo are a central focus of the Government's work. The country's human rights policy is based on respect for universal values and the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights, the Congolese Charter of National Unity, the Congolese Charter of Rights and Freedoms, duly ratified international human rights instruments and also national human rights instruments.

2. The commitment of the Congo to the values of peace and social cohesion is proclaimed in the Constitution of 25 October 2015. The Constitution affirms the necessity of building a republic based on the principles of equality, fraternity, sharing and solidarity, on the one hand, and ensuring the full development of each and every individual as part of a republic in which non-derogable human rights are respected, on the other.[1]

3. It is against this backdrop that the Congo undertook to implement the recommendations accepted during the second cycle of the universal periodic review. This process was also a means of honouring the voluntary commitments made by the Congo on its re-election to the Human Rights Council for a second consecutive term covering the period 2014–2017.

4. This report was drafted to comply with the guidance note issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR), which sets the requirements for the third cycle of the universal periodic review. It describes the implementation of the recommendations accepted during the second cycle of the review, under which the Congo was reviewed on 30 October 2013, and the measures taken and progress made in that regard.[2] The report also covers major developments in the field of human rights.

5. This report was prepared following a consultation process begun in 2015. The first stage involved distributing two crucial documents to relevant departments, the parliament and non-governmental organizations (NGOs) working in the field of human rights: the matrix for the implementation of recommendations[3] and, for further context, a list of these recommendations clustered by theme.[4] The interministerial committee for monitoring cooperation with international and regional mechanisms for the promotion and protection of human rights met regularly to ensure that all stakeholders were able to make an effective contribution to the process. The most recent dialogue among stakeholders took the form of a round table. A validation workshop was held with all the relevant State representatives. Civil society was involved in the report's preparation from the outset. The last stage in the process was its adoption at a meeting of the cabinet chaired by the Prime Minister, the head of the Government.

6. This report is thus the outcome of a participatory and inclusive national process.

II. Regulatory and institutional framework

A. Regulatory framework

1. International human rights instruments

7. In recent years, the Congo has ratified and acceded to most of the international human rights instruments to which it had not been a party.

8. The instruments ratified by the Congo since the second cycle of the universal periodic review include the following:

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 31 March 2017

- Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, on 14 February 2014
- Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, in 2014; the instruments of ratification will soon be transmitted to the Office of the Secretary-General of the United Nations
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 25 April 2016; the instruments of ratification will soon be transmitted to the Office of the Secretary-General of the United Nations
- The Amendments to the Rome Statute of the International Criminal Court on the crime of aggression (Kampala amendments) are currently at the signature stage

9. National human rights institutions, civil society and some partners are calling upon the public authorities to ratify the international instruments to which the Congo is not yet a party. These include the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Prevention and Punishment of the Crime of Genocide, the 1954 Convention relating to the Status of Stateless Persons and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO).

10. As part of European Human Rights Week, the Institut français in the Congo held a conference entitled "Abolishing the death penalty: the ratification procedure for the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty" on 13 December 2017, with the participation of the international NGO Together against the Death Penalty.

2. National legislation

11. Since the second cycle of the universal periodic review, the Republic of the Congo has continued to reform its national regulatory framework. This process involved a reform of the Constitution.

12. Part II of the new Congolese Constitution concerns citizens' rights and freedoms. In all, 42 of the 246 articles in the Constitution are devoted to citizens' rights and freedoms.

13. The Congolese Constitution reflects the will to harmonize national legislation with international and regional instruments. Its preamble proclaims that the fundamental principles set forth and guaranteed in such instruments are an integral part of the Constitution.[5]

14. Article 14 of the Constitution establishes the absolute prohibition of any act of torture or cruel, inhuman or degrading treatment.

15. With the support of the European Union, the Government has begun the process of revising and drafting eight legal codes through the Action Project to Strengthen the Rule of Law and Associations.[6]

16. Torture is an offence under the new draft criminal code and carries a penalty of 10 to 15 years' imprisonment. The maximum penalty of 30 years' imprisonment is imposed for acts of torture committed under specified aggravating circumstances.

17. The draft code also protects fundamental rights and freedoms by punishing outrages on human freedom and dignity. Its provisions cover, among other acts, unlawful arrests, forcible confinement, trafficking in persons, forced labour, slavery, servitude, serfdom and forced marriage. As for offences against the peace and honour of individuals, the acts that fall within its scope include trespass on domestic premises, violation of the confidentiality of correspondence and sexual harassment.

18. For a number of years, the abolition of the death penalty was a central concern of the Congolese authorities. The Congo was regarded as de facto abolitionist, as it had not applied the death penalty since 1982. The death penalty was abolished under article 8 (4) of the Constitution of 25 October 2015, which reads: "The death penalty is abolished."

B. Institutional framework

19. The National Human Rights Commission was established under the Constitution of 20 January 2002. Its mandate, powers, organization and functioning are laid down in Act No. 5-2003 of 18 January 2003.

20. The Commission has been awarded B status. It has experienced operational difficulties over the years, which has precluded the award of A status.

21. The Constitution of 25 October 2015 retains the National Human Rights Commission, thus ensuring that the country has a body to monitor the promotion and protection of human rights.[7] Its powers, organization and functioning are laid down in Act No. 30-2018 of 7 August 2018.

22. The national system for protecting and promoting human rights is not limited to the National Human Rights Commission but also includes other national bodies, for example the Higher Council for the Freedom of Communication and bodies newly established under the Constitution of 25 October 2015, such as:

- The National Dialogue Council, which brings together community leaders for consultation, mediation and consensus-building on major political issues of national interest[8]
- The Advisory Council of Elders and Traditional Leaders, tasked with issuing advice on the State's democratic, cultural and social governance and offering the Government suggestions for inclusive political management[9]
- The Women's Advisory Council, tasked with issuing advice on the situation of women and offering the Government suggestions for promoting women's participation in the country's development[10]
- The Advisory Council for Persons with Disabilities, tasked with issuing advice on the situation of persons with disabilities and offering the Government suggestions for improving their care[11]
- The Advisory Council on Youth Affairs, tasked with issuing advice on how young people can thrive in the context of intergenerational governance[12]
- The Advisory Council for Civil Society and Non-governmental Organizations, tasked with issuing advice on citizens' participation in national affairs, with the aim of promoting their rights and freedoms and republican values[13]

23. The following institutional acts have been adopted to supplement this legal framework:

- Organic Act No. 30-2017 of 7 August 2017 on the organization, membership and functioning of the National Dialogue Council
- Organic Act No. 31-2017 of 7 August 2017 on the organization, membership and functioning of the Advisory Council of Elders and Traditional Leaders
- Organic Act No. 32-2017 of 7 August 2017 on the organization, membership and functioning of the Advisory Council for Civil Society and Non-governmental Organizations
- Organic Act No. 14-2018 of 15 March 2018 on the organization, membership and functioning of the Women's Advisory Council
- Organic Act No. 26-2018 of 7 August 2018 on the organization, membership and functioning of the Advisory Council for Persons with Disabilities

24. The establishment of the Directorate General for the Promotion of Indigenous Peoples under the Ministry of Justice, Human Rights and the Promotion of Indigenous Peoples pursuant to decree No. 2017-261 of 25 July 2017 offers a recent example of how the institutional framework for the protection of human rights has been strengthened.

25. For several years, the State bodies responsible for designing and implementing national human rights policy, national bodies and civil society have conducted awareness-raising campaigns on their respective areas of expertise. The directorates for human rights and fundamental freedoms established in each department conduct awareness-raising campaigns in local communities.

26. Pursuant to Decree No. 2007-159 of 4 February 2007, a committee was established to raise awareness of international humanitarian law and international human rights law in the police force. The decree was implemented by Order No. 16283/PR/MDN/MID of 22 December 2011 on the organization and functioning of the bodies of the technical standing committee for raising awareness of international humanitarian law and international human rights law. The committee's main responsibility is to train police officers, gendarmes and soldiers to take whatever measures are needed to ensure the prompt and effective investigation of allegations of ill-treatment and torture made against the Congolese security forces. The awareness-raising committee works closely with the International Committee of the Red Cross and other partners. Most recently, the committee held a seminar on international humanitarian law for legal advisers in Brazzaville from 9 to 12 April 2018 and from 11 to 13 June 2018.

27. Training modules on human rights have been introduced at all institutions at which police officers, gendarmes and members of the Congolese armed forces undergo training and receive instruction, with a view to strengthening the capacity of law enforcement officers to promote and protect human rights.

28. The Government has taken steps to promote civic education and raise awareness of human rights. Since 2002, the Congo has had a high commissioner responsible for civic and moral education. The Ministry of Youth and Civic Education, which was established in 2010, has a directorate general for civic education. These bodies organize regular activities to promote civic education.

29. The following activities have been conducted with the support of United Nations agencies, the European Union and other partners:

- Civic clubs have been set up in schools, beginning in 2007
- Citizens' clubs have been set up in the informal sector, beginning in 2008
- A symposium on good governance for increasing civic and moral awareness in public bodies took place on 29 and 30 June 2010
- Teams have been set up to provide civic education and promote civic and moral values in public bodies, beginning in 2010
- Civic education curricula have been developed for the police force
- Instructors in civic and moral education have been trained
- Curricula and teaching manuals have been developed for teaching civic education in ordinary and technical schools at the primary and secondary levels

C. Cooperation with international and regional human rights mechanisms

30. Cooperation between the Congo and international and regional human rights mechanisms is excellent.

31. At the international level, since the second cycle of the universal periodic review, the Congo has collaborated with the Human Rights Council complaint procedure and has responded to requests made by the Working Group on Arbitrary Detention.

32. The Government replied to the complaint procedure on two occasions, on 15 January 2017 and 13 January 2018, in connection with allegations of human rights violations made against the Congo in a complaint of 13 January 2016.

33. The Working Group on Communications considered the two replies at its twenty-first and twenty-second sessions and sent a third request for information on the same case

(note verbale G/SO 215/1 COG 227 of 19 February 2018). The Government is currently preparing a reply to this request, which will be submitted before the review of the Congo under the third cycle of the universal periodic review.

34. In 2017, the Working Group on Arbitrary Detention sent the Congo requests for information.

35. The Working Group adopted two opinions on the allegations of arbitrary detention that it had received, on 8 June 2017 and 18 April 2018. The Congolese Government is making every effort to follow up on these two opinions and address the Working Group's concerns. The Government is committed to fully cooperating with these mechanisms and informing them of its working procedures and provisional timetable as soon as possible.

36. Since 2014, the Congo has submitted reports under the following human rights treaties:

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in April 2015
- Convention on the Rights of Persons with Disabilities, on 2 October 2016
- Convention on the Elimination of All Forms of Discrimination against Women, on 27 April 2017 (seventh periodic report)
- Convention on the Rights of the Child, in January 2014 (three combined reports)

37. The Government undertakes to step up its efforts to clear its backlog of overdue reports.

38. The Congo has benefited from the technical cooperation provided by United Nations agencies to support the promotion and protection of human rights.

39. From 13 June to 25 July 2016 and from 6 to 9 September 2017, OHCHR carried out two missions, with the Government's agreement, to assess the overall human rights situation.

40. Following these missions, OHCHR dispatched an official to the Congo to carry out a support and technical assistance mission with a view to establishing a commission of inquiry on these allegations of human rights violations. This technical assistance made it possible to draw up terms of reference and a draft decree on the commission's establishment, mandate and functioning.

41. Through the Action Project to Strengthen the Rule of Law and Associations, the European Union has provided assistance to strengthen the institutional framework for the protection of human rights by training police officers, prison guards and other professionals in the human rights field. One example of this assistance was a training course on international human rights protection instruments and mechanisms conducted in Brazzaville on 16 and 17 January 2016.

42. As part of the Government's partnership with the United Nations Development Programme (UNDP), a capacity-building workshop on the promotion and protection of human rights was held in Brazzaville from 27 to 30 September 2016 for, among others, members of the National Human Rights Commission, civil society organizations and the media.

43. At the regional level, cooperation between the Congo and African human rights mechanisms is also excellent.

44. A periodic report on the general human rights situation is currently being prepared for submission to the African Commission on Human and Peoples' Rights.

45. The African Committee of Experts on the Rights and Welfare of the Child considered the report of the Congo at its twenty-sixth session in November 2015.

46. The Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples' Rights supported the Government in conducting a workshop on the rights of indigenous populations/communities in Africa. It took place in Brazzaville on 14 and 15 December 2014 with civil society participation.

47. The Subregional Centre for Human Rights and Democracy in Central Africa in Yaoundé, Cameroon, conducted the following workshops in Brazzaville in 2015:

- A capacity-building workshop on the preparation of reports and the strategy for implementing recommendations received from the treaty bodies and under the universal periodic review, on 19 November 2015
- A capacity-building workshop on the human rights-based approach, on 1 and 2 December 2015
- An awareness-raising workshop on the prevention of torture in the Congo, on 3 December 2015

III. Promotion and protection of human rights

A. Equality, non-discrimination and the elimination of violence against women

48. In this area, the Congo has benefited greatly from cooperation with international organizations.

49. The Congo has signed a United Nations Development Assistance Framework for the period 2014–2018. On 4 March 2016, the Ministry for the Advancement of Women and the Integration of Women in Development entered into an agreement with UNDP on an annual workplan for a project to support gender, female leadership and HIV/AIDS prevention.

50. On 25 October 2016, the Congo and the United Nations Population Fund signed a partnership agreement on combating gender-based violence, one outcome of which was the launch of a project on preventing and combating gender-based violence. The Ministry of the Interior and Decentralization is heading the project, which involves police officers, gendarmes, lawyers, doctors, psychologists and other professionals. The project led to workshops to draft and endorse a training manual for police staff and senior officers and training guidelines on combating gender-based violence. Both documents were approved on 9 August 2018.

51. Overall, many activities have been conducted to promote and protect women's rights. They include an information, education and communication campaign on the growth of the teenage pregnancy rate, which took place on 22 July 2015 in Pool department and from 5 to 8 August 2015 in Sangha department. In addition, a meeting on reviving the National Observatory on Gender-based Violence was held in Brazzaville on 9 September.

52. Since 2014, the Congo has increased the participation of women in political and public life and strengthened their representation in decision-making bodies.

53. The Congolese Constitution of 25 October 2015 guarantees the principle of parity and affirms that women and men have equal rights. Women's advancement and representation in all political, elective and administrative posts are guaranteed by law.[14] These principles have been incorporated into the Electoral Act.[15]

54. The new article 61 of the Electoral Act stipulates that "women must constitute at least 30 per cent of candidates put forward for election to the National Assembly and the Senate".

55. The representation of women in decision-making bodies currently stands at 11.5 per cent in the National Assembly, 22.9 per cent in the Senate, 22.85 per cent in the Government, 12 per cent in decision-making positions in the ministries, 18.82 per cent in departmental councils, 23.5 per cent in municipal councils and 20 per cent in the Supreme Court.

56. According to the most recent civil service personnel audit, women make up 49.5 per cent of public sector workers.[16]

57. Under the 2012–2016 National Development Plan, activities have been conducted throughout the Congo to support farming and market gardening partnerships and

hairdressing and sewing training centres for women. Many measures have been introduced across the country to support income-generating activities, which serve to empower women. They include the distribution of hairdressing and sewing kits, agricultural processing equipment, mechanical equipment and motor vehicles. Between 2012 and 2017, 3,186 such items were distributed, including 1,692 sewing kits, 780 hairdressing kits, 40 units of agricultural processing equipment, 152 market gardening kits, 40 units of household equipment, 23 units of mechanical and motorized equipment and 459 Kavaki motor vehicles.

58. A particular cause for concern is violence against women, which is addressed in a bill currently before the parliament. Training and awareness-raising campaigns have been carried out in preparation for its adoption. In 2015, 600 police officers underwent training on gender-based violence and inequality in Pointe-Noire. In Brazzaville, training has been provided for 80 victim-support centre workers and 35 members of the police force and the social affairs, health-care and justice sectors. In Pointe-Noire, a marine patrol squad consisting of 11 women has been formed. From 25 to 27 August 2015, judges, police officers and workers in the health-care and social affairs sectors attended a seminar on the criminal nature of violence against women. They were also trained in caring for victims, counselling them and identifying cases. Police stations and hospitals have been equipped with computer tools, office supplies, digital cameras and video cameras and essential medicines.

59. As part of its implementation of the National Gender Policy and the Programme to Combat Gender-based Violence, the Government has worked with the Post and Electronic Communications Regulatory Agency and mobile telephone operators (Airtel-Congo, MTN-Congo, Azur and Congo-Telecom) to set up a toll-free emergency hotline, 14 44, which has been operational since 4 March 2018. This shows the commitment of the Congolese public authorities to combating gender-based violence.

60. Congolese women play an effective role in peaceful conflict resolution. In November 2014, 80 women received training in peaceful conflict resolution. The training was supported by UNDP and the United Nations Educational, Scientific and Cultural Organization. On 21 November 2017, the Congo conducted a tripartite meeting in Brazzaville on promoting women's participation in mechanisms for the prevention of conflicts and the consolidation and maintenance of peace in the Central African Republic, the Democratic Republic of the Congo and the Republic of the Congo. In May 2018, the Congo approved a national action plan to implement Security Council resolution 1325 (2000) on women and peace and security.

61. Existing Congolese law provides that, "irrespective of any property derived from the dissolution of the marriage, the surviving spouse has property and usufruct rights over the main residence, the right to remain in occupation at that residence and, where applicable, the right to a survivor's pension, annuity or portion of the death benefit". Surviving spouses may not be declared unworthy to inherit for refusing to participate in customary mourning rituals. Cruelty to or maltreatment of a widow or widower at mourning ceremonies is punishable under the Criminal Code.

62. The principle of spousal equality has been carried over into the draft personal and family code, which is in the process of being adopted. The draft also contains a number of new provisions. For instance, it stipulates that, "if none of the relatives of a deceased person is entitled to inherit, the surviving spouse receives the inheritance in full". The new code will significantly mitigate the widely condemned effects of widowhood practices and even prohibit them in certain cases. The draft also stipulates, inter alia, that "a woman may not be considered as part of her deceased husband's estate. Customary practices that require a widow to marry one of her deceased husband's relatives are thus prohibited." These practices are punishable under the draft Criminal Code.[17]

63. Customs and traditions that remove or restrict women's right to occupy or acquire customary land or land in urban or peri-urban areas have been declared null and void.[18]

64. This legislative framework and regular activities to support women are the tools with which the Congo is working to improve women's lives, allow them to thrive and guarantee respect for their fundamental rights.

B. Promotion and protection of children's rights

65. Article 39 of the Constitution stipulates that all children, without discrimination, have the right to such measures of protection on the part of their families, society and the State as are required by their status.

66. The Congo is continuously strengthening the policies in place to promote and protect children's rights, as shown by the ratification of the Convention on the Rights of the Child, Act No. 04-2010 of 14 June 2010 on child protection, Decree No. 341/2011 of 12 May 2011 establishing the conditions and procedures for opening private care homes for children and Decree No. 2252/MASAHS/CAB of 14 February 2012 setting the technical standards for the establishment, organization and functioning of care homes for children.

67. In January 2014, the Congo submitted three combined reports to the Committee on the Rights of the Child on its implementation of the Convention on the Rights of the Child. In November 2015, it submitted a report to the African Committee of Experts on the Rights and Welfare of the Child on its implementation of the African Charter on the Rights and Welfare of the Child.

68. As part of its ongoing efforts to improve the situation of children, the Government has made it a priority to combat trafficking in persons. The corresponding legal framework consists of a range of international instruments duly ratified by the Congo, such as:

- ILO Worst Forms of Child Labour Convention, 1999 (No. 182), ratified in 2006
- ILO Minimum Age Convention, 1973 (No. 138), ratified in 2002
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, ratified on 25 August 1977
- Convention on the Rights of the Child, ratified on 13 November 2013
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, ratified on 25 August 1977
- Convention on the Elimination of All Forms of Discrimination against Women, ratified on 26 July 1982
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ratified on 12 March 2012
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified on 24 September 2010
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 27 October 2009

69. Under article 33 of the Constitution of 25 October 2015, no one may be required to perform forced labour or be subjected to slavery. Article 40 of the Constitution stipulates that the State is required to protect children and young persons from economic or social exploitation and that children aged under 16 years may not work. Similar provisions can be found in Act No. 04-2010 of 14 June 2010 on child protection and in the Labour Code.

70. The adoption process for the bill on combating trafficking in persons is progressing as normal, following the issuance of an opinion by the Supreme Court. Pending its adoption, State and non-State actors are focusing their efforts on prevention, victim identification, reception and care, repatriation and reintegration.

71. Awareness-raising is the key to prevention. The NGO Action pour la Lutte contre la Traite des enfants d'Afrique de l'Ouest et du Centre (Action to Combat Trafficking in Children in West and Central Africa) and the Commission diocésaine Justice et Paix (Diocesan Justice and Peace Commission) are among the organizations that have conducted awareness-raising campaigns in Pointe-Noire, the country's economic capital, with technical and financial support from the United Nations Children's Fund (UNICEF).

72. Victims are identified by the Government, neighbourhood or village leaders, law enforcement officers (police officers, gendarmes, border guards and immigration officials) and NGOs.

73. Child victims of trafficking are currently housed with foster families.

74. In fulfilment of its guarantee to repatriate and reintegrate foreign victims of trafficking, the Government provides return assistance. This was the case for the Beninese children repatriated under the agreement concluded between Benin and the Congo, as mentioned during the review of the Congo under the second cycle of the universal periodic review in 2013.

75. Studies have shown that more than 9 in 10 births (96 per cent) are entered in the civil registry. There is no difference in registration rates for the births of boys and girls. However, there is a large gap between urban areas (99 per cent) and rural areas (91 per cent). The Government conducts regular mobile civil registration campaigns to reduce this gap.[19]

76. The Congolese State guarantees the right of all children to education and their equal access to instruction and training without discrimination. Schooling is compulsory up to the age of 16 years.[20] Studies show that, regardless of the social status of their families and the parts of the country in which they live, children enjoy broadly equal access to education.

77. The data included in the Government's 2015 study on the Sectoral Education Strategy for the period 2015–2025 show that girls and boys enjoy nearly equal access to preschool and primary education.[21] The data show that their rates of retention until the end of primary school are the same: 85.3 per cent of boys and 84.5 per cent of girls complete primary school. However, boys have higher rates of access and participation than girls at the lower secondary level. These gaps become wider as children progress through the education system. A report on the 2014–2015 Multiple Indicator Cluster Survey conducted by the National Statistical Institute with the support of UNICEF backs up these findings.

78. In the age group 12–24, more than 8 in 10 young women (84 per cent) and nearly 9 in 10 young men (89 per cent) are literate. Literacy rates are higher in urban areas (91 per cent of young women and 93 per cent of young men) than in rural areas (62 per cent of young women and 74 per cent of young men). For both young women and young men, higher literacy rates lead to significant increases in household socioeconomic status: the literacy rate is 49 per cent for young women from the poorest households versus 98 per cent for those from the wealthiest and 64 per cent for young men from the poorest households versus 98 per cent for those from the wealthiest.

79. In all, 23 per cent of children in the first year of primary school attended a preschool the previous year, with almost no difference between boys (23 per cent) and girls (24 per cent). The proportion of children who start their schooling at the preschool level is 38 per cent for those from urban areas versus 7 per cent for those from rural areas. Household wealth is a major driver of inequalities in school readiness: the proportion of children currently in the first year of primary school who were in a preschool education programme the previous year stands at 5 per cent for those from the poorest households versus 59 per cent for those from the wealthiest.

80. Primary and secondary school attendance rates offer valuable information on inequalities between children of different genders and social backgrounds. In all, 97 per cent of primary school-age children (6–11 years) attend a primary or secondary school. The primary school attendance rates for boys and girls are almost equal (96 per cent versus 97 per cent). The primary school attendance rate is 92 per cent for children from the poorest households and 99 per cent for those from the wealthiest. The attendance rate at the secondary level is lower than at the primary level.

81. Two thirds of secondary school-age children (12–18 years) attend a secondary or higher education institution. There is no difference in secondary school attendance between boys and girls. Net secondary school attendance is significantly higher in urban areas (78 per cent) than in rural areas (41 per cent). Household wealth has a major impact on secondary school attendance. The net secondary school attendance rate is three times lower

for children from the poorest households (29 per cent) than for those from the wealthiest (89 per cent).

82. The primary school survival and completion rates remain high. More than 9 in 10 children who enter the first year of secondary school (96 per cent) reach the final year. A child 's sex and place of residence have little bearing on the survival rate.

83. The primary school completion rate in the Congo is 91 per cent. It is slightly higher for girls (92 per cent) than for boys (90 per cent) and is almost the same in urban and rural areas.

84. The transition rate to secondary education in the Congo is 97 per cent, which means that more than 9 in 10 children in the first year of secondary school were in the final year of primary school the previous year. There is a difference of three percentage points between urban areas (98 per cent) and rural areas (95 per cent). The mother's level of education has a major impact on the transition rate to secondary education, which stands at 94 per cent for the children of mothers with no education versus 100 per cent for the children of mothers educated to at least upper secondary level. Household socioeconomic status also has a major impact in that regard: 92 per cent of children from the wealthiest households transition to secondary education.

85. The gender parity index across both the primary and secondary school levels is 1.00, which shows that, nationally, there is little difference in primary and secondary school attendance between girls and boys.

86. At the primary school level, the gender parity index is greater than or equal to 1.00 in 10 of the country's 12 departments. The two departments in which it is lower are Lékoumou (0.97) and Bouenza (0.99).

87. The secondary school attendance rate is lower for girls than for boys in several departments, as reflected in a gender parity index of less than 1.00. These departments are Kouilou (0.74), Lékoumou (0.84), Bouenza (0.78), Pool (0.83), Plateaux (0.90), Sangha (0.85) and Likouala (0.91).

C. Promotion and protection of the rights of vulnerable groups

1. Refugees

88. The legal framework currently in force in the Congo guarantees the right of asylum. Article 21 of the Constitution stipulates that this right is granted to foreign nationals within the conditions determined by law. Pursuant to article 18 of Act No. 29-2017 of 7 August 2017, which amends and supplements certain provisions of Act No. 23-96 of 6 June 1996 establishing the conditions under which foreign nationals may enter, reside in and depart from the Congo, "asylum seekers are required neither to present a travel document or visa nor to put up a repatriation bond but must demonstrate their eligibility for asylum, which will be either granted or refused following an investigation by the relevant authorities." Article 31 of the same law stipulates that "foreign nationals admitted to the Congo as refugees under the Convention relating to the Status of Refugees of 28 July 1951 and its Optional Protocol of 31 January 1967 or the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969 must obtain a special identity card valid for a renewable period of three years".

89. The following bodies have been established to meet the protection and assistance needs of refugees:

- The National Committee for Assistance to Refugees, established under Decree No. 99-310 of 31 December 1999
- The Refugee Status Eligibility Commission, established under Order No. 80-41 of 26 December 2001 to provide legal and administrative protection for refugees, ensure the implementation of international and regional treaties on the status of refugees and consider requests for refugee status

- The Refugee Status Appeals Commission, established under Order No. 80-42 of 26 December 2001 to guarantee respect for the rights of refugees in legal proceedings brought to appeal against decisions of the Refugee Status Eligibility Commission

90. According to the National Committee for Assistance to Refugees, there are currently 60,335 refugees in the Congo. The countries that produce the largest numbers of refugees are those that have experienced sociopolitical crises over the last two decades, including Rwanda (9,765), the Democratic Republic of the Congo (15,540) and the Central African Republic (33,081)

91. The Rwandan refugee situation has given rise to several meetings between the Congo, as the host country, Rwanda and the Office of the United Nations High Commissioner for Refugees (UNHCR).

92. On 8 and 9 September 2016, a tripartite meeting on the implementation of the Comprehensive Solutions Strategy for Rwandan Refugees was held in Brazzaville. The situation of these refugees was also addressed at a meeting in Geneva on 30 September 2016, which led to several recommendations, including a recommendation that the cessation clause should be invoked on 31 December 2017. On 3 and 4 April 2017, a tripartite meeting was held in Kigali, Rwanda, to evaluate the road map that came out of the meeting in Brazzaville.

93. Since 2011, the Congo, Rwanda and UNHCR have held several tripartite meetings on the situation of the Rwandan refugees who fled to the Congo between 1958 and 1997. Following these meetings, which were focused on finding lasting solutions for the refugees, the Congo accepted the recommendation of UNHCR regarding the cessation of their refugee status. On 30 June 2013, the Congo announced that the cessation clause would be invoked on 31 December 2017. In accordance with the conclusions reached at these various tripartite meetings, 804 refugees were exempted from the cessation clause, while 8,463 were denied refugee protection. The authorities are urging Rwandan nationals in the Congo who are ineligible for refugee status to ensure their compliance with Act No. 23-96 of 6 June 1996 establishing the conditions under which foreign nationals may enter, reside in and depart from the Congo.

94. After attending meetings with the National Committee for Assistance to Refugees, some refugees from the Democratic Republic of the Congo and the Central African Republic request assisted voluntary repatriation.

2. Persons with disabilities

95. The Congo ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 14 February 2014.

96. The Advisory Council for Persons with Disabilities was established under article 234 of the Constitution of 25 October 2015.

97. Article 31 of the Constitution provides that "older persons and persons with disabilities are entitled to protective measures to meet their physical, moral and other needs so that they can thrive under the conditions determined by law. The State has a duty to promote the representation of persons with disabilities in national and local institutions and administrations."

98. Act No. 009/92 of 22 April 1992 on the status, protection and advancement of persons with disabilities was an earlier step in the same direction. The Government has launched a reform of this law in order to reflect subsequent developments in the field of disability rights, particularly since the ratification of the Convention on the Rights of Persons with Disabilities in February 2014.

99. In accordance with the Poverty Reduction Strategy Paper for the period 2012–2016, a strategic framework on the schooling of children with disabilities was approved. A committee was established to coordinate, monitor and evaluate the National Action Plan for Persons with Disabilities pursuant to Decree No. 2010-298 of 1 April 2010.

100. On 3 May 2018, the Sur un pied d'égalité (On an Equal Footing) Foundation, the Ministry of Social Affairs and Humanitarian Action, the Ministry of Health and Population

and the Ministry of Finance and Budget signed a partnership agreement to carry out a project to provide care for disadvantaged Congolese babies and children with congenital or acquired locomotor malformations.[22]

3. Indigenous peoples

101. The policy of promoting and protecting the rights of indigenous peoples is enshrined in the Constitution and Act. No. 5-2011 of 25 February 2011. The Government is currently in the process of establishing an appropriate legal framework by pursuing the adoption of draft decrees on:

- The procedures for protecting indigenous peoples' cultural assets and sacred and spiritual sites
- Special measures to increase indigenous children's access to education and improve indigenous adults' literacy
- The issuance of civil status certificates to indigenous peoples
- Procedures for consulting and ensuring the participation of indigenous peoples in decision-making bodies and socioeconomic development programmes
- Indigenous peoples' access to employment and social and health-care services and the protection of their medicines

102. With the support of its technical and financial partners, the Government developed a national strategy on indigenous issues. The strategy resulted in two national action plans to improve the quality of life of indigenous peoples: the first for the period 2009–2013 and the second for the period 2014–2017. Under these two action plans, the Government and its partners have implemented various projects to support indigenous peoples.[23]

D. Economic, social and cultural rights

103. The UNDP Human Development Report for 2015 showed that 12 per cent of the Congolese population was living in extreme poverty.

104. The National Development Plan 2012–2016 was not implemented to its full extent. To improve the population's enjoyment of economic, social and cultural rights, therefore, the Government plans to carry out activities under the new National Development Plan 2018–2022.

105. According to the second Congolese National Household Survey on Poverty, the unemployment rate in the Congo is 6.9 per cent, with some disparities between men and women. The youth unemployment rate, an area of concern for the Government, is 30 per cent among those under 30 years of age. The unemployment rate for those aged between 30 and 49 years is half that figure and for those over 50 years it is 5.4 per cent. Among persons with disabilities, the rate is 19.85 per cent for men and 9.54 per cent for women, according to the 2017 General Population and Housing Census.

106. As part of its plan to foster employment and reduce poverty, the Government increased civil servants' salaries between 2014 and 2017 by raising the index point value from 160 to 300.

107. Thanks to the Lisungi Project and the welfare activities implemented under the National Development Plan 2012–2016, 3,105 households and elderly persons have been provided with money transfers, paid quarterly. Just over 27,280 households have received ad hoc assistance in cash, in kind or in the form of services, including 12,827 teenage mothers, 4,737 widows, 2,987 older persons, 2,758 indigenous households, 1,495 abandoned or orphaned children and 1,255 persons with disabilities. Independent-living assistance has been provided to 257 indigenous persons. Under the Food Safety-Nets Project, 5,000 households have received subsistence allowances.

108. The Congolese Government carried out works in 10 rural districts between 2010 and 2017 to improve access to drinking water.[24] This was a large-scale project involving drilling for 3,076 natural water sources and their subsequent management.

109. The Congo is working towards introducing universal health coverage. As a part of those efforts, the country is moving closer to providing universal access to emergency health care, as evidenced by the following maternal, neonatal and child health indicators:

- Maternal mortality rate: in 2017, 226 deaths per 100,000 live births, as against 436 deaths in 2015[25,26]
- Neonatal mortality rate: in 2017, 15 deaths per 1,000 live births, as against 21 deaths in 2015[27,28]
- Infant mortality rate: 56.4 deaths per 1,000 live births[29]
- Child mortality rate: 52 deaths per 1,000 live births[30]

110. As part of its efforts to prevent the outbreak of waterborne diseases such as cholera and of other transmissible diseases, the country is working in partnership with United Nations agencies to:

- Report infections and declare epidemics and humanitarian crises
- Support the preventive and awareness-raising response to epidemics and humanitarian crises

111. No cases of Ebola virus disease were registered in the Congo during the various outbreaks of the disease in the Democratic Republic of the Congo or in previous years, thanks to the successful organization of an epidemic surveillance system along the banks of the Congo and Ubangi rivers. The Government has in place an Ebola virus disease response plan.

E. Respect for human rights in the administration of justice and the prison system

112. The existing Criminal Code has no provisions on torture. The draft criminal code, which is currently in the process of adoption, will fill that lacuna in the law. The severity of the criminal sanction set out in the draft code is commensurate with the threat posed by this type of crime.

113. Under the draft code, torture is punishable by a minimum sentence of 10 years' imprisonment and a maximum sentence of life imprisonment.

114. The protection of witnesses from acts of torture is covered by the general provisions of the draft code of criminal procedure, which provides that, except in special circumstances, revealing a witness's identity or address is punishable by up to 5 years' imprisonment.

115. With a view to improving prison conditions, the Congo embarked on a project to build or renovate prison infrastructure during the implementation period of the National Development Plan 2012–2016. The construction of Owando prison and the detention facilities in Mossaka and Ewo began under this project. With the support of the European Union, the Government has also begun renovating the detention facilities in Pointe-Noire and Dolisie.

116. The country has been able to introduce a social reintegration programme for criminals thanks to a funding agreement negotiated between the European Union and the Congolese Government (Agreement No. CG/FED/2009/021-316) as part of the Action Project to Strengthen the Rule of Law and Associations. Reintegration centres have been established in the prisons in Brazzaville and Pointe-Noire.

117. In Brazzaville, six[31] of the seven vocational training modules introduced on 4 August 2017 are currently available. A secondary education centre, comprising a middle school and a high school, has opened in the Brazzaville detention facility and, in 2018, 7 of

the 12 students educated at the facility were awarded their baccalaureates. Of the 34 detainees seeking to pass the first level of secondary education, 30 obtained a certificate of completion. Libraries installed by the Government enable detainees to build on the knowledge that they acquire in class.

118. Decision No. 2899/MJDHPPA-CAB of 10 April 2017, which amends certain provisions of Decision No. 2898/MJDH-CAB of 15 September 2011 on the powers afforded to the departmental authorities in the prison system, provided for the introduction of social reintegration services within each departmental authority.

119. With support from the NGO Christian Action for the Abolition of Torture, the Congo published a manual on the judicial guarantees enjoyed by detainees.

120. Under the Action Project to Strengthen the Rule of Law and Associations, the European Union introduced a digital database to facilitate better monitoring of the prison population. Some prisons have been provided with computer equipment and a central server has been installed in the headquarters of the Ministry of Justice and Human Rights. The program required for the use of this equipment is being finalized.

121. A capacity-building policy for judicial personnel was rolled out in 2009 with the provision of training for magistrates. An agreement has been signed with the French Legal Service Training College to provide annual in-service training for Congolese magistrates. The scope of the policy has been widened to address the issue of understaffing. Under the National Development Plan 2012–2016, the Congo aims to employ a total of 1,050 magistrates.

122. To expedite the training process, the Congo has renewed its agreements on judicial cooperation with France and concluded new ones with Benin, Senegal, Cameroon, Morocco, Tunisia and Togo.

123. Groups of new magistrates have been deployed at regular intervals up to 2018 and the training programme is ongoing. In 2018, judicial staffing levels break down as follows:

- There are 715 active magistrates deployed throughout the country's courts
- There are 308 legal service trainees

124. With a view to bringing the judicial bodies closer to the public, the Congolese judicial system has, as at 2018, been restructured. There are now:

- Five courts of appeal, instead of three
- Seventeen courts of major jurisdiction, instead of eleven
- Eighty-five courts of minor jurisdiction

125. The principle of the independence of the judiciary is reaffirmed in article 168 of the Constitution of 25 October 2015, which provides that "the judiciary shall be independent of the legislature and of the executive". Article 168 (3) states that "in the discharge of their duties, judges shall be subject only to the authority of the law".

126. Article 2 of Organic Act No. 29-2018 of 7 August 2018 on the organization, composition and functioning of the Supreme Council of Justice states that "the President of the Republic shall guarantee the independence of the judiciary through the Supreme Council of Justice". The Act also gives the Council additional powers, particularly in disciplinary matters.[32]

IV. Concluding remarks

127. Having endorsed the universal periodic review without reservations since its establishment, the Congo recognizes its importance for the promotion and protection of human rights globally and the support that it provides in the form of follow-up to the recommendations accepted by States.

128. Beyond the formal framework of the review, the Congo will continue its dialogue with national institutions, civil society, its partners and all persons active in the field of human rights.

129. In keeping with its international obligations and commitments with regard to the promotion and protection of human rights, the Congo remains determined to continue in its efforts to improve the human rights situation on the ground.

130. While describing the basic measures that have been taken to implement various recommendations, this report also makes it clear that many challenges remain to be overcome to ensure the full protection of human rights. The country requests, and requires, the technical support of the international community to strengthen its capacities in that regard.

V. Views of civil society

131. Civil society organizations working in the field of human rights and fundamental freedoms, the foremost of which took part in several working sessions on the adoption of this report, are pleased to note that this is the first time they have been invited to take part in the drafting and adoption of such a document and would like to see this approach continue.

132. Although they approve of much of the content of the report, they regret the gap between the Government's expression of commitment to the promotion and protection of human rights and the realization of that commitment in practice.

133. They are deeply concerned that:

- Torture continues to be practised in police stations, reaching intolerable, unacceptable levels, and perpetrators enjoy an alarming degree of impunity in spite of the existence of laws prohibiting the practice
- There is still no legislation specifically relating to asylum seekers, despite such an act being provided for in article 21 of the Constitution
- Legally binding time limits on custody and pretrial detention are not observed

134. They are critical of the passive approach of the Government, and the Congolese State in general, to combating the corruption, misappropriation of public funds and fraud that are poisoning the country, to the great detriment of the population, and deepening social exclusion.

135. Human rights organizations deplore and condemn the conditions in detention facilities, which they deem to be tantamount to cruel, inhuman and degrading treatment, with dilapidated buildings, inadequate food, overcrowding and the lack of a reintegration policy.

136. Human rights organizations expect, and indeed demand, the immediate adoption of legislation on the prohibition of torture, the abolition of the death penalty and the effective attainment of gender parity. They consider that, even within the Government itself, women are not only underrepresented but also still lack access to certain positions and privileges, such as:

- Posts in the core ministries of the State
- The position of cabinet minister

137. No woman has ever been promoted to the rank of general in the armed forces nor held the top position in any of the constitutional institutions. Human rights organizations consider this to be a violation of the Convention on the Elimination of All Forms of Discrimination against Women. They welcome the steps taken by the ministry responsible for human rights to introduce a formal framework for cooperation between the ministry and human rights NGOs.

Notes

[1] Préambule de la Constitution du 25 octobre 2015, paragraphes 1 et 2.
[2] Rapport EPU de la République du Congo 2èmecycle (A/HRC/25/16 et Add.1) du 30 octobre 2013.
[3] La matrice de la mise en œuvre des recommandations, élaborée au cours du deuxième cycle de l'Examen Périodique Universel et réactualisée courant 2017, est un document qui fixe les objectifs à atteindre, la période d'exécution des activités à réaliser, détermine les moyens et les acteurs impliqués : institutions étatiques (ministères, parlement), commission nationale des droits de l'homme, société civile, partenaires bilatéraux et multilatéraux, et indique les coûts et les sources de financement des activités prévues.
[4] La classification thématique a consisté à regrouper les recommandations en fonction de la catégorie de droits auxquels elles renvoient.
[5] Préambule de la Constitution du 25 octobre 2015, paragraphe 6.
[6] Il s'agit de : le II code pénal, le code de procédure pénale, le code des personnes et de la famille, le code civil, le code de procédure civile et commerciale, le code de procédure administrative et financière, le code pénitentiaire et le code de l'organisation juridictionnelle. Tous ces avant-projets de codes se trouvent actuellement dans le circuit d'approbation au niveau du Gouvernement.
[7] Articles 214 et 215 de la Constitution.
[8] Article 227 de la Constitution.
[9] Article 230 de la Constitution.
[10] Article 232 de la Constitution.
[11] Article 234 de la Constitution.
[12] Article 236 de la Constitution.
[13] Article 238 de la Constitution.
[14] Article 17 de la Constitution du 25 octobre 2015.
[15] Il s'agit notamment des dispositions des lois n° 5-2007 du 25 mai 2007, n° 9-2012 du 23 mai 2012 et n° 40-2014 du 1er septembre 2014 modifiant et complétant certaines dispositions de la loi électorale.
[16] Selon les statistiques du dernier contrôle physique des agents civils de l'Etat du 31 octobre 2016 au 2 juin 2017.
[17] Le projet de Code pénal prévoit en effet une peine d'emprisonnement allant de 3 à 6 ans et une amende qui varie entre 2.500.000 et 5.000.000 Frs CFA en cas de pratiques commises dans le cadre des rites de veuvage.
[18] Article 19 de la loi n° 21-2018 du 13 juin 2018 fixant les règles d'occupation et d'acquisition des terres et terrains.
[19] D'octobre 2015 à avril 2016, 550 actes de naissance ont été signés à Sibiti et 304 à Zanaga, dans le département de la Lékoumou.
[20] Article 29 de la Constitution.
[21] L'indice de parité d'accès au primaire est de 1 en 2015 contre 0,98 en 2011.
[22] Il s'agit du 3ème accord signé avec cette fondation. Au total, plus de 400 enfants ont été pris en charge au plan chirurgical dans le cadre de ce partenariat.
[23] Il s'agit entre autres des activités ci-après :
- Campagne de sensibilisation sur la prolifération des grossesses précoces à Souanké et à Mokéko (département de la Sangha), du 5 au 8 août 2015 ;
- Sensibilisation des peuples autochtones sur le VIH/SIDA à Sibiti et à Komono (département de la Lékoumou), en novembre 2015 ;
- Organisation des activités sportives et culturelles ainsi que la distribution des kits scolaires et du matériel aratoire à Sibiti, le 9 août 2014 et le 9 août 2015 à Ouesso (département de la Sangha) ;
- Organisation d'un atelier de capitalisation du système intégré de protection de l'enfant, à Sibiti, en août 2018.

[24] La République du Congo a été primée par l'Union africaine pour le projet « Eau pour tous » qui a permis au Gouvernement de construire en milieu rural des structures d'approvisionnement en eau potable.
[25] Enquête MICS.
[26] Rapport de surveillance des décès maternels de 2017.
[27] Enquête MICS.
[28] Rapport de surveillance des décès maternels de 2017.
[29] PND 2018-2022.
[30] PND 2018-2022.
[31] Il s'agit des modules coiffure homme, de coiffure femme, de couture homme, de couture femme, de menuiserie et de soudure.
[32] Sept (7) magistrats ont été radiés des effectifs de la magistrature au cours de l'année 2018.